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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,170	11/12/2003	Alfred Lee	AL-2-am-mv	6124

7590 02/15/2005
Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

JONES, DAVID B

ART UNIT PAPER NUMBER

3725

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,170	LEE, ALFRED	
	Examiner	Art Unit	
	David B Jones	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 2-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The dependent claims each contain reference to elements that lack antecedent basis. It would appear that at least for claims 3-10 that they should be dependent on other claims than that of claim 1 in that many of the elements referenced are in other claims than that of claim 1. In claim 2, "the edges of the side walls", "the end of one said sidewall" (lines 7 and 12), and "the end of said opposing sidewall" (lines 8 and 13), lack antecedent basis. In claim 3, "the top portion of said sidewalls", "said retaining post", "the center of the slidable plate", "said locking recess", "the confines of said opposing sidewalls", "said sidewalls", "said retaining post", "said linkage post", "the end of said linkage hook" and "the end thereof" all lack antecedent basis in the claim. In claim 4, "said slidable plate", "the bottom portion", "said retaining hook", "said retaining post", and "said linkage hook" lack antecedent basis. In claim 5, "said linkage means", "said linkage hook", "the end", "the linkage post", "the linkage recess", "said tension spring", and "said locking recess" all lack antecedent basis. In claim 6, "said linkage hook" and "the linkage recess" lack antecedent basis. In claim 7, "said linkage recess", "said linkage post", "the linkage hook", and "the linear movement" lack antecedent basis in the claim. In claim 8, the limitation, "is a transitional hook charm link" is vague and indefinite as set forth; what makes for such structure? Neither the hook nor the post have been defined in claim 1.

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In claim 9, the limitation, "is a transitional post charm link" is vague and indefinite as set forth; what makes for such structure? Neither the post nor the hook has been defined in claim 1. In claim 10, the limitation, "is a transitional post and link charm having a transitional post and translational hook" is vague and indefinite as set forth; what makes for such structure? Neither the posts nor the hooks have been defined in claim 1.

2. Claims 2-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

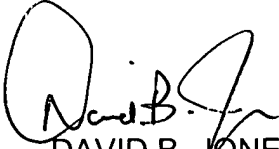
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (571) 272-4518.

Any inquiry of a general nature or relating to the status of this application should be directed to telephone number is (571) 272-3700.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ


DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725